

APPEAL NO. 021007
FILED JUNE 13, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on April 15, 2002. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and had disability beginning on that date and continuing through the date of the CCH.

The appellant (carrier) has appealed, arguing evidence that it asserts greatly weighs against the decision. The carrier points out that the hearing officer found disability beginning _____, although the claimant requested disability beginning September 25. The claimant responds that the decision should be affirmed.

DECISION

The decision of the hearing officer is affirmed.

Essentially, the carrier argues with the weight assigned by the hearing officer to the evidence. A claimant's testimony alone may establish that an injury has occurred, and disability has resulted from it. Houston Independent School District v. Harrison, 744 S.W.2d 298, 299 (Tex. App.-Houston [1st Dist.] 1987, no writ). The hearing officer is the sole judge of the relevance, materiality, weight, and credibility of the evidence presented at the hearing. Section 410.165(a). The decision should not be set aside because different inferences and conclusions may be drawn upon review, even when the record contains evidence that would lend itself to different inferences. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ).

The claimant stated that she worked for two more days after the injury occurred. She testified that some tests were performed and treatment administered after her injury. She further testified that she had been off work since September 25; this was the date that the claimant requested as the beginning of disability. However, a statement in evidence from her supervisor indicated that the claimant did not work after her date of injury and that when the claimant presented herself for work a couple of days after her injury, the supervisor told her she should not work in her condition. Therefore, we cannot agree that the decision of the hearing officer is without support in the record.

In considering all the evidence in the record, we cannot agree that the findings of the hearing officer are so against the great weight and preponderance of the evidence as to be manifestly wrong and unjust. In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951). We affirm the decision and order.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**C. T. CORPORATION
350 N. ST. PAUL STREET
DALLAS, TEXAS 75201.**

Susan M. Kelley
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Roy L. Warren
Appeals Judge